

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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<http://www.montgomerycountymd.gov/boa/>

Case No. A-6509

APPEAL OF ROBIN RICE

OPINION OF THE BOARD

(Hearing held January 18, 2017.
Effective Date of Opinion: February 24, 2017.)

Case No. A-6509 is an administrative appeal filed November 17, 2016 by Robin Rice (the "Appellant"). The Appellant charges error on the part of the Sign Review Board ("SRB") of the Montgomery County Department of Permitting Services ("DPS") in its denial of her request for a sign variance needed to allow a 9.5 foot-high freestanding sign at Appellant's property line abutting Shady Grove Road, which would not satisfy the requirements of Division 6.7 of the Zoning Ordinance. The subject Property is located at 17505 Park Mill Drive, Derwood, Maryland (the "Property"), in the R-200 zone. The R-200 zone is a residential detached zone classification under 59-2.1.3.C.1 of the Zoning Ordinance.

Pursuant to section 59-7.4.4 and 59-7.6.1 of the Zoning Ordinance, the Board held a public hearing on January 18, 2107. The Appellant appeared *pro se*. Associate County Attorney Charles L. Frederick represented Montgomery County. Anne Gregorski, who was admitted to the proceeding as an Intervenor at the pre-hearing conference on December 14, 2016, appeared *pro se*.

At the outset of the proceeding, the Appellant argued that the County and the Intervenor had filed their pre-hearing submissions untimely. She argued that the County's submission, which was filed on December 29, 2016, was due on December 28, 2016. See Exhibit 7. She further argued that the Intervenor's submission, which was filed on January 9, 2017, was due on January 6, 2017. See Exhibit 9. The Board determined that, at the pre-hearing conference on December 14, 2016, the date set for the filing of the County's pre-hearing submission was December 29, 2016 and the date set for the filing

of the Intervenor's pre-hearing submission was January 9, 2017; therefore, both filings were timely received by the Board.

Decision of the Board: Requested variance **DENIED**.

FINDINGS OF FACT

The Board finds by a preponderance of the evidence that:

1. The Property is located at 17505 Park Mill Drive, Derwood, Maryland 20855, and is zoned R-200.

2. On October 21, 2016, the SRB denied the sign variance requested by Appellant to erect a separate 9.5 foot-high freestanding sign at the Property line abutting Shady Grove Road. See Exhibit 3. The reasoning for the denial was "the applicant had not demonstrated that the strict application of the sign ordinance would result in an exceptional hardship or significant economic burden." See Exhibit 3. The letter was sent to Appellant on October 28, 2016. See Exhibit 3.

3. On November 17, 2016, the Appellant timely filed this appeal to the Board of Appeals. See Exhibit 1.

4. The County submitted highlighted portions of the 2014 Zoning Ordinance, marked Exhibit 11.

5. Roger Waterstreet testified that he has been employed by Montgomery County Government for approximately 31 years and that he is currently a Permitting Services Specialist with DPS. Mr. Waterstreet testified that his job duties include review of sign permit applications and acting as staff liaison for the SRB, where he reviews sign variance applications to ensure the applications are complete and schedules hearing before the SRB. He testified he is not a part of the decision making on variance applications reviewed by the SRB.

Mr. Waterstreet testified that he is familiar with the Property and that a sign variance application was submitted for the Property in August of 2016. See Exhibit 7, circle 6-28. He testified that the Property is located at block G, lot 8 on Plat 4 of Mill Creek Towne. See Exhibit 7, circle 27. He testified that the front of the Property is on Park Mill Drive and that the back is located on Shady Grove Road. See Exhibit 7, circle 27. Mr. Waterstreet testified that a Zoning map for the area shows the Property, block G, lot 8, is in the R-200 zone. See Exhibit 7, circle 28.

Mr. Waterstreet testified that he processed the sign variance application for Appellant, case number 354070, at the Property. See Exhibit 7, circle 6-28. He testified that the application for a freestanding sign at the rear property line for the Property required three types of variances: 1. for the setback; 2. for the area of the sign; and 3. for the height of the sign. He testified that the sign would advertise the day care entity Appellant operates at the Property.

Mr. Waterstreet testified that the SRB heard Appellant's application for a sign variance, found at Exhibit 7, circle 6-28, over the course of two proceedings. He testified that the first hearing occurred on September 14, 2016 and was continued following testimony by Appellant and community opposition because the SRB determined it was in the best interests of the Appellant and the community to get together and discuss their concerns, then return to the SRB. See Exhibit 7, circle 8.

Mr. Waterstreet testified that the SRB hearing continued on October 21, 2016. See Exhibit 7, circle 8. Mr. Waterstreet testified that at that hearing, Appellant testified she needed the sign for visibility and for identification of her day care facility. He testified that at the October 21, 2016 hearing, the community opposition submitted documents to the SRB. See Exhibit 7, circle 29-42. He testified that the community opposition argued that the proposed sign was not in conformance with the residential character of the neighborhood and expressed concerns about the safety of motorists on Shady Grove Road trying to drive and read the sign.

Mr. Waterstreet testified that section 59-6.7.8 of the Zoning Ordinance governs signs in residential zones such as R-200, where the Property is located. He testified that under section 59-6.7.8, a freestanding sign is allowed in the R-200 zone if it has a maximum area of 2 square feet, has a minimum setback of 5 feet from the property line, and has a maximum height of 5 feet. See Exhibit 11. He testified that Appellant was requesting a freestanding sign with an area of 7.5 square feet, is located at the property line, and has a height of 9 feet 6 inches. See Exhibit 7, circle 9. He testified that Appellant would need a variance for the area, the setback, and the height of the sign. Mr. Waterstreet testified that the SRB decided to deny Appellant's sign variance request due to traffic safety concerns and concerns about altering the residential character of the neighborhood. See Exhibit 3. He testified that the SRB found no evidence that strict application of the sign ordinance would result in Appellant suffering an exceptional hardship or significant economic burden, as required by the Zoning Ordinance. See Exhibit 3.

On cross-examination by Appellant, Mr. Waterstreet testified that he met with Appellant prior to the SRB hearing to discuss what Appellant was required to submit to the SRB. He testified that the application was for a sign at Appellant's property line that was entirely on Appellant's property. Mr. Waterstreet testified that, in order to satisfy the maximum height of the sign

requirement in section 59-6.7.8.A.1.c of the Zoning Ordinance, fill material such as dirt could not be added beneath the sign to increase the height. He acknowledged that the maximum allowable height of 5 feet was less than the 6 foot fence on the Property.

On further cross-examination by Appellant, Mr. Waterstreet testified that a sign that would not be visible from a single vantage point would not be a regulated sign and would not require a permit. He testified that if a sign were visible from any vantage point the sign would require a permit; that is, if anyone can see the sign, a permit is required for the sign. Mr. Waterstreet acknowledged that there are trees set back from the fence on the Property, which Appellant stated were located five feet from the property line. See Exhibit 7, circle 14. Mr. Waterstreet testified that the SRB did not consider the safety of the people in the park across the street from the Property or people walking when considering the safety of placing the sign on the Property.

6. Khursheed Bilgrami testified that has been employed as a Traffic Engineer with the Division of Traffic, Engineering and Operations for 13 years. He testified that prior to that, he was employed with the Maryland State Highway Administration for 10 ½ years. Mr. Bilgrami testified that his current job duties include setting speed limits and conducting traffic studies about safety, signals, roundabouts, on-street parking, and bicycle compatibility. He testified that for the past 20 years he has been involved in traffic safety measures.

Mr. Bilgrami testified that he holds a Bachelor's degree in civil engineering and a Master's degree in transportation engineering from the University of Maryland. He was admitted as an expert in traffic safety and traffic engineering.

Mr. Bilgrami testified that he is familiar with the Property, which backs up to Shady Grove Road. He testified that a sign variance would permit a freestanding sign in the rear of the property which would be visible to drivers and pedestrians on Shady Grove Road.

The Appellant objected to Mr. Bilgrami's testimony because it dealt with safety. She argued that the SRB did not grant the variance because she failed to show a significant economic burden, not due to safety concerns. Mr. Frederick argued that this is a *de novo* proceeding and that one of the concerns before granting a variance is whether the variance can be granted without substantial impairment of the purpose of Division 6.7 of the Zoning Ordinance, which includes traffic safety considerations. He argued that even if Appellant were to satisfy section 7.4.4.C.2.a and b of the Zoning Ordinance, she would still have to satisfy section 7.4.4.C.2.c of the Zoning Ordinance. He argued that under section 6.7.1 of the Zoning Ordinance, one of the intents of Division 6.7 is to improve pedestrian and vehicle traffic safety, which is what

Mr. Bilgrami's testimony would cover. The Board overruled Appellant's objection to Mr. Bilgrami's testimony.

Mr. Bilgrami testified that Shady Grove Road is one of the major State highways with Maryland Route 355 and Muncaster Mill on either side and access to a metro station. He testified that Shady Grove Road is three lanes in each direction, separated by a grass median. He testified that while the posted speed limit is 45 mph, the real speed limit cars travel on the road is 50 mph or higher.

Mr. Bilgrami testified that the Federal Highway Administration ("FHA") issues a Manual on Uniform Traffic Control Devices ("MUTCD"), which the County follows, and which details what signs need to be posted on the roadways and the appearance of signs. He testified that the sign proposed in this case is a non-standard sign. Appellant objected to the testimony about the MUTCD because it was not a part of the record and she had not had a chance to review the document. Mr. Bilgrami testified that the FHA posts the MUTCD online and the entire country follows it. The Board overruled the objection.

Mr. Bilgrami testified that Shady Grove Road is a high speed roadway, which is classified as a road with as speed limit over 30 mph. He testified that if a crash were to occur on Shady Grove Road, there is more of a chance people would be hurt. He noted that Shady Grove Road has multiple lanes and has a large amount of traffic because it connects two roads and is the route to important destinations such as the metro.

Mr. Bilgrami testified that 99% of the signs on Shady Grove Road are based on MUTCD standard signs. He testified that he reviewed Appellant's sign variance application and drove to the Property. He testified that the front of the Property faces Park Mill Drive and that the rear fence at the Property is along and is visible from Shady Grove Road. Mr. Bilgrami testified that the sign is proposed to be located behind the fence on the Property and will be visible to motorists traveling on Shady Grove Road.

Mr. Bilgrami testified the proposed sign is not desirable on an important roadway such as Shady Grove Road. He testified that part of his job is to review fatal crashes, and that the most important factor in such crashes is distraction. He testified that in order to alleviate exterior distractions, the County tries to restrict signs that are visible to motorists to standard signs. He testified that in the case of Maryland Route 355, the character of that road differs from Shady Grove Road in that Route 355 is a commercial area and has a slower speed limit.

Mr. Bilgrami testified that a way to control driver distraction is to not post non-standard signs. He testified that Appellant's proposed sign behind her

fence would be a distraction to a driver on Shady Grove Road, and that the half second it could take a driver to read the sign could be fatal. Mr. Bilgrami testified that when he visited the Property, he did not see any signs other than standard signs except for a sign for a doctor, Dr. Barlow, in this area.

In summary, Mr. Bilgrami testified that approval of Appellant's sign would have a negative effect on traffic safety on Shady Grove Road. He testified that he did not know whether the sign would have standard letters. He testified that it may take more than two to three seconds to read the sign because the sign would not face the motorist the way a standard sign does. Mr. Bilgrami testified that, in his opinion, approval of the sign would be dangerous to motorists on Shady Grove Road.

On cross-examination by Appellant, Mr. Bilgrami testified that across from Appellant's property and Shady Grove Road is a park. See Exhibit 7, circle 25. He testified that the brown signs that have the name of the park on them are standard signs recommended by the MUTCD. See Exhibit 7, circle 16, 25. He testified that signs are different sizes depending on whether they are for a speed limit, are regulatory, or are warning signs. Mr. Bilgrami testified that the park sign is a standard park sign installed by the Maryland-National Capital Park and Planning Commission ("MNPPC"). He testified that the park sign is not directly on Shady Grove Road; the sign is at the entrance to the park parking lot and is on park property, not on the public right-of-way. See Exhibit 7, circle 16.

On further cross-examination by Appellant, Mr. Bilgrami testified that, pursuant to the MUTCD, a sign on Shady Grove Road can be five feet tall with a supplement on the bottom of the sign. He testified that height and location requirements also depend on the message on the sign, such as whether the sign is for traffic control or for safety measures. He testified that he cannot compare regulatory or warning signs with private signs advertising a business.

On further cross-examination by Appellant, Mr. Bilgrami testified that any non-permitted sign is a safety hazard. He testified that the signs for Mill Creek church and Mill Creek parish were not safety or directional signs. See Exhibit 7, circle 22. Mr. Bilgrami testified that the sign for the Mill Creek Towne Swim Association was on Mill Run Drive, not on Shady Grove Road. See Exhibit 7, circle 23. Mr. Bilgrami testified that a sign on the pavement depicting a bicyclist was to indicate a bicycle lane for a bicyclist and a driver would not look at such a sign. See Exhibit 7, circle 25. He testified that a driver is used to seeing a bicyclist sign on the pavement.

Mr. Frederick objected to testimony about park signs, school signs, bicycle lane signs, and signs advertising Mill Creek Towne. See Exhibit 7, circle 25. He argued that such signs are exempt and are not regulated by the

County. He argued that such signs are not comparable to the Appellant's proposed sign on Shady Grove Road. The Board sustained the objection.

Mr. Frederick objected to testimony about a cross decorated with lights along Shady Grove Road. See Exhibit 7, circle 25. He argued that this decoration was not relevant to whether Appellant's sign was distracting to motorists on Shady Grove Road. The Board sustained the objection.

On cross-examination by Intervenor, Mr. Bilgrami testified that roadwork and other activity could also contribute to distractions on Shady Grove Road.

7. Appellant testified that the purpose of her proposed sign was to get information out about her business and help people find the location of the business more quickly. She testified that due to the fence on the Property, she experienced a hardship because the sign would not be visible unless it was placed a few feet higher than the fence. She testified that there are mature trees at the five foot setback line, and that the sign needed to be larger to extend over the fence line.

Appellant testified that the SRB had recommended that she reach out to her neighbors. She testified that she put flyers in her neighbors' mailboxes and held an open house, and that she only received a response from one neighbor. She testified that she prefers to have the sign on Shady Grove Road, and that she thought her neighbors did as well. Appellant testified that the main objection at her first SRB hearing had concerned the sign on Park Mill Drive, and that the sign on Shady Grove Road would not be visible to any of her neighbors.

Appellant further testified that she must have shown an exceptional hardship or an economic burden at her SRB hearing because she was granted a variance for the size of the sign on Park Mill Drive. She testified that the sign at issue in this case is important because in her 33 years of experience in childcare, most customers look for a recommendation or a sign in deciding on a childcare provider. She testified that proximity is the biggest factor customers consider in selecting a provider.

Appellant testified that to have an online advertisement would cost her \$300 per month. She testified that her potential customers already have a list of other daycare providers, and that those providers have signs. Appellant testified that if she were to place a sign on a bus, it would have visibility but would not show her businesses location.

Appellant read excerpts from two prior Board SRB appeals. In case A-5656, decided in 2001, Appellant testified that the Board granted a variance for a sign on Georgia Avenue, where the speed limit is 40 mph. In case A-

6406, decided in 2013, the Board granted another variance, considering visibility and the convenience of the sign. The Board noted that both of these cases were decided under the 2004 Zoning Ordinance, not the 2014 Zoning Ordinance under which Appellant's case is considered. The Board also noted that the Board had not had a chance to review these two decisions in full prior to this hearing and they were not a part of Appellant's prehearing submission.

Appellant further testified that she is promoting economic development as well as childcare. She testified that childcare is essential for working parents and that parents can't get quality childcare if they don't know where childcare facilities are located. Appellant testified that she has cared for thousands of children and that letters of support from two children are included as part of the record. See Exhibit 10(a) and (b).

Appellant testified that she needs a visual sign on Shady Grove Road because that is the only place where the traffic traveling the road does not know that her location is a childcare facility. She testified that in order to have signage elsewhere, she would have to pay a monthly fee, and then customers would not know where her business location is. She testified that if she does not obtain this sign variance she will suffer economic hardship because she will have to spend more money to attract customers. She testified that she currently has five children through three families.

On cross-examination by Mr. Frederick, Appellant testified that she purchased the Property in April 2016 through a foreclosure sale, but that she became the contract owner in February 2016. She testified that she does not live at the Property and has no intention of living at the Property. Appellant testified that she purchased the Property with the intention of having a childcare facility at the Property, and that she underwent renovations at the Property. She testified that the first children came into the facility when she received a certificate from the Maryland State Department of Education in July 2016.

On further cross-examination by Mr. Frederick, Appellant testified that the fence along Shady Grove Road in the rear of the Property was there when she purchased the Property, and that she was aware of the County's sign ordinance and that she would need a variance if she kept the fence in place. Appellant testified that she may remove the fence if she does not get the sign variance but she is not sure who owns the fence. Appellant testified that she signed a Declaration of Covenants to allow a fence in the storm drain easement, but that declaration did not refer to the fence on Shady Grove Road. See Exhibit 9, circle 9. She testified that she had signed two Declaration of Covenants: one for the portion of the fence in the storm drain easement and one for a new fence in Block G, between lots 8 and 9. See Exhibit 7, circle 27.

On further cross-examination by Mr. Frederick, Appellant testified that her proposed sign includes a website, ahappychildcarenest.com. See Exhibit 7, circle 10. She testified that she uses social media, including Facebook, for her businesses. Appellant testified that she has told customers at her other childcare facilities about this new business.

On cross-examination by the Intervenor, Appellant testified that she rents the Property to a woman, Angela, for \$2,400 per month.

8. Abdon D. Ackid, Jr., testified that he is Appellant's husband and that he has been a volunteer fireman for 32 years. He testified that when the fire department receives a call to come to a location, if they know that the location has a sign they are able to get to that location faster. As an example, Mr. Ackid testified that the Glen Echo area has a number of high rise buildings, and that one apartment building's address on Willard Avenue is hard to find but it has a sign out from that identifies it as "The Irene." He testified that calls for service at that location come in as the Irene. He also testified that if a sign was located at the rear of a building and the fire department was familiar with the sign, they could arrive at either the front or the rear of the building.

9. The Intervenor testified that she had been involved in a traffic accident on Shady Grove Road wherein a driver traveling 55 mph flipped twice and landed on the Intervenor's car. She testified that she has seen cars traveling on Shady Grove Road when it is icy and the cars have crashed into the fence along the road. The Intervenor testified that when she was taking pictures of signs to include in her submission in this case, she was fearful of being struck by cars as she walked along the easement on Shady Grove Road.

10. Carol Gannon testified that she has lived on Park Mill Drive since 1965 and that it is not a commercial area; there have never been commercial signs in the area. She testified that she believes the County put up the fence along Shady Grove Road, and that residents need permission to do anything with regard to the fence. Ms. Gannon testified that she lives four houses down and across Shady Grove Road from the Property. She testified that if this sign variance is granted, everyone who lives in the area will want to advertise their businesses on this fence.

In response to questions from Appellant, Ms. Gannon testified that no one has received permission to make changes to the fence.

11. Beverly Lloyd testified that she has lived on Park Mill Drive for 50 years and that her property abuts the Property and backs to Shady Grove Road. She testified that no one in the neighborhood wants a sign poking over the fence.

Ms. Lloyd submitted four photographs, labeled Exhibit 12. She testified that the first two photographs depict the fence between her property and the Property line. See Exhibit 12, circle 1 and 2. She testified that the third photograph depicts yellow globes decorating the back fence on Shady Grove Road and the trees. See Exhibit 12, circle 3. She testified that these yellow globes are lit with an electrical cord and run into the house on the Property. Ms. Lloyd testified that the last photograph depicts the yellow globe hanging over the fence, which is also distracting. See Exhibit 12, circle 4.

On cross-examination from Ms. Rice, Ms. Lloyd testified that she also finds the lights on a cross decoration hung by another neighbor distracting. See Exhibit 7, circle 25.

12. Pat Labuda testified that she has lived in the area for over 42 years and that her property backs to Shady Grove Road. She testified that the sign laws are in place for a reason, and that this proposed sign is not in keeping with the residential community. She testified that the community does not want to be cluttered with signs.

13. At the conclusion of all testimony, all parties declined to give a closing statement.

CONCLUSIONS OF LAW

1. Section 59-7.4.4.E of the Montgomery County Zoning Ordinance provides that "[a]ny party of record may appeal any final decision of the Sign Review Board within 30 days after the action to the Board of Appeals under Section 7.6.1." Section 59-7.6.1.C.3 provides that "Board of Appeals review of any action, inaction, decision or order of a department of the County government must be de novo." When an appeal from a quasi-judicial body is heard "de novo," the matter is to be tried anew as if it had not been heard before and as if no prior decision had been rendered. In effect, the Board is exercising what amounts to original jurisdiction. *Pollard's Towing, Inc. v. Berman's Body Frame & Mech., Inc.*, 137 Md. App. 277 (2001); *Boehm v. Anne Arundel County*, 54 Md. App. 497 (1985); *Lohrmann v. Arundel Corp.*, 65 Md. App. 309 (1985); *Hill v. Baltimore County*, 86 Md. App. 642 (1991).

2. Therefore, the Board must consider the Appellant's application for a sign variance anew and in light of the criteria set for a sign variance in section 59-7.4.4.C.2. The burden is on the Appellant to show by a preponderance of the evidence that the criteria have been met.

3. Section 59-7.4.4.C.2 provides that an application for a variance from the sign requirements of Division 6.7 may be approved if: "a. the strict application of the sign requirements of Division 6.7 would result in a particular or unusual practical difficulty, exceptional or undue hardship, or significant

economic burden on an applicant; b. the sign variance is the minimum reasonably necessary to overcome any exceptional conditions; and c. the sign variance can be granted without substantial impairment of the purpose of Division 6.7."

4. Section 59-6.7.8 of the Zoning Ordinance outlines the general development requirements for a freestanding sign in a residential zone and imposes the following restrictions on these freestanding signs:

A. The maximum total area of all permanent signs on a lot or parcel in a Residential zone is 2 square feet, unless additional area is permitted under Division 6.7.

1. Freestanding Sign

- a. One freestanding sign is allowed.
- b. The minimum setback for a sign is 5 feet from the property line.
- c. The maximum height of the sign is 5 feet.
- d. Illumination is prohibited.

5. Section 6.7.1 of the Zoning Ordinance provides that "Division 6.7 regulates the size, location, height, and construction of all signs placed for public view. The requirements are intended to preserve the value of property; to preserve and strengthen community ambiance and character; and, where applicable, to implement the recommendations of an urban renewal plan adopted under Chapter 56. It is the intent of Division 6.7 to:

- A. encourage the effective use of signs;
- B. maintain and enhance the aesthetic environment of the County while avoiding visual clutter;
- C. promote the use of signs to identify buildings and geographic areas;
- D. improve pedestrian and vehicle traffic safety;
- E. promote the compatibility of signs with the surrounding land uses;
- F. promote the economic development and marketing of businesses located within an approved urban renewal area;
- G. provide increased flexibility in the number, size, location, design, and operating characteristics of signs for optional method development in an approved renewal area; and
- H. implement the recommendations of an approved urban renewal plan."

6. The Board finds, based on the testimony and the evidence of record, that the requested sign variance to allow a 9.5 foot-high freestanding sign at Appellant's property line abutting Shady Grove Road cannot be granted. First, the Board finds that the Appellant has failed to demonstrate that the strict application of the Zoning Ordinance would result in a particular or unusual practical difficulty, exceptional or undue hardship, or significant economic burden on the Appellant. While the Board finds that Appellant may have to

pay for an online advertisement or for signage that is not on the Property, and thus suffer some economic burden, the Board finds that this burden will not be significant. The Board further finds that the fence and the trees were on the Property along Shady Grove Road when Appellant purchased the Property

Further, the Board finds that the variance cannot be granted without substantial impairment to the purpose of Division 6.7. The Board finds there are not commercial signs in the area and that the proposed sign would not be in conformance with the residential appearance of the neighborhood. The Board further finds that the proposed location of the sign, along one of the State's major highways (Shady Grove Road) with a speed of 45 mph would have a negative effect on vehicle traffic safety along Shady Grove Road. The Board finds that approval of the sign would be dangerous to motorists and is not desirable on Shady Grove Road. The Board finds that the safety factors, including concern over driver distraction reading the sign, outweigh any economic burden on Appellant.

7. For all of the foregoing reasons, the requested sign variance needed to permit the installation of a 9.5 foot-high freestanding sign at the Property line abutting Shady Grove Road is **DENIED**.

On a motion by Member Stanley B. Boyd, seconded by Vice Chair John H. Pentecost, with Chair Carolyn J. Shawaker, Member Bruce Goldensohn, and Member Edwin S. Rosado, in agreement, the Board voted 5 to 0 to adopt the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above be adopted as the Resolution required by law as its decision on the above entitled petition.



Carolyn J. Shawaker
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 24th day of February, 2017.



Barbara Jay
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within ten (10) days after the date the Opinion is mailed and entered in the Opinion Book (see Section 2A-10(f) of the County Code).

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure (see Section 2-114 of the County Code).